



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART XI

#### INTERPRETATION AND GENERAL

#### 120 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“action” means a civil proceeding commenced by writ or in such other manner as may be prescribed by rules of court, but does not include a criminal proceeding by or in the name of the Crown;

“Attorney General” means the Attorney General for Northern Ireland;

“cause” includes any action, suit or other original proceeding between a plaintiff and a defendant, and any criminal proceeding by or in the name of the Crown;

“costs” includes fees, charges, disbursements, expenses or remuneration;

“court of assize” has the meaning assigned to it by section 42(1) of the <sup>M1</sup>Interpretation Act (Northern Ireland) 1954;

“Court of Criminal Appeal” means the Court of Criminal Appeal heretofore existing in Northern Ireland;

“county court” means a county court held <sup>F1</sup>... under the County Courts [<sup>F2</sup>(Northern Ireland) Order 1980];

“Criminal Appeal Act” means the <sup>M2</sup>Criminal Appeal (Northern Ireland) [<sup>F3</sup>Act 1980];

“defendant” includes any person served with any writ of summons or process or served with notice of, or entitled to attend, any proceedings;

“division” <sup>F4</sup>... means division of the High Court;

“heretofore” means immediately before the date of the commencement of the provision in which it occurs;

“judgment” includes order, decision and decree;

“jurisdiction” includes power and authority;

*Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 120 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“lower deciding authority” includes any inferior court or other tribunal and any authority exercising judicial or quasi-judicial functions;

“magistrates’ court” has the meaning assigned to it by [<sup>F5</sup>Article 2(2)(b) of the Magistrates’ Courts (Northern Ireland) Order 1981];

“matter” includes every proceeding in court not in a cause;

“party” includes every person served with notice of or attending any proceeding, although not named on the record;

“plaintiff” includes every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the proceeding is by action, suit, petition, motion, summons or otherwise;

“pleading” includes a petition or summons, the statement in writing of the claim or demand of a party and of the defence or reply of a party to a claim or demand made against him;

“prescribed” means prescribed by rules of court;

“Royal Courts of Justice” means the building at Chichester Street, Belfast, in which sittings of the High Court and the Court of Appeal have heretofore been held;

“rules of court” means rules of court (including forms) made by the Rules Committee;

“sentence” has the meaning assigned to it by [<sup>F3</sup>section 30 of the <sup>M3</sup>Criminal Appeal (Northern Ireland) Act 1980];

“statutory officer” has the meaning assigned to it by section 70(1);

“statutory provision” has the meaning assigned to it by section 1(f) of the <sup>M4</sup>Interpretation Act (Northern Ireland) 1954.

- (2) Any reference in this Act to a statutory provision shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any other statutory provision including this Act.
- (3) Section 38 of the <sup>M5</sup>Interpretation Act 1889 shall have the same effect in relation to any repeal by this Act of a statutory provision other than an Act of the Parliament of the United Kingdom as it has in relation to the repeal by this Act of such an Act.
- (4) In this Act, except where otherwise indicated,—
- (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered;
  - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered;
  - (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered; and
  - (d) a reference in a paragraph of a section, subsection or Schedule to a numbered sub-paragraph is a reference to the sub-paragraph of that paragraph so numbered.

#### Textual Amendments

- F1** Words in s. 120(1) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 74(2)(a), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(m) (with art. 3)

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- F2** Words substituted by S.I. 1980/397 (N.I. 3), **Sch. 1 Pt II**
- F3** Words substituted by Criminal Appeal (Northern Ireland) Act 1980 (c. 47, SIF 38), s. 51(1), **Sch. 4 para. 18**
- F4** Words in s. 120(1) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 74(2)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F5** Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 para. 54**

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#### Marginal Citations

- M1** 1954 c. 33 (N.I.)
- M2** 1980 c. 47.
- M3** 1980 c. 47
- M4** 1954 c. 33 (N.I.)
- M5** 1889 c. 63.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)